



FAULKNER • GARMHAUSEN • KEISTER • SHENK

HARRY N. FAULKNER*
HN M. GARMHAUSEN
RALPH F. KEISTER
JAMES R. SHENK**

MICHAEL A. STAUDT
JAMES L. THIEMAN
THOMAS J. POTTS
DANIEL A. BENSMAN

BRYAN A. NIEMEYER
JOHN M. DEEDS
JOSHUA A. KOLTAK
PHILIP M. BORGER

CRAIG T. ALBERS***
CAMERON C. DOWNER
COLLEEN R. GONG

* 1941 - 2021
** ALSO ADMITTED IN FLORIDA
*** CERTIFIED PUBLIC ACCOUNTANT

SENDER'S E-MAIL: cdowner@fgks-law.com

September 1, 2022

VIA ECF

THE HONORABLE DENISE L. COTE, U.S.D.J.
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

RE: *Richard Bossuk v. Augusta Sportswear, Inc., et al., Case No. 1:21-cv-08273*

Dear Judge Cote:

We represent Defendant Augusta Sportswear, Inc. ("Augusta") and Defendant Jason Livermore ("Defendant Livermore," together with Augusta, the "Defendants"), in the above reference action brought by Plaintiff Richard Bossuk ("Plaintiff") (Plaintiff and Defendants, collectively referred to herein as the "Parties.") In accordance with the Court's Notice of Pretrial Conference (Dkt. No. 47) filed on August 23, 2022, we write on behalf of all Parties to submit a proposed pretrial schedule, which is attached hereto as Exhibit A (the "Proposed Schedule").

Because this case was transferred from Judge Vernon S. Broderick, many of the discovery deadlines in this case have passed. That being said, the attached Proposed Schedule contains the Parties' best estimate as to the time required to file dispositive motions in the event the Settlement Conference scheduled for September 28, 2022 (Dkt. No. 44), is unsuccessful.

The Parties also request that the Court schedule a date for the Parties to submit the Joint Order required by Section 6.A and 6.B your Honor's Individual Practices in Civil Cases (the "Joint Order"). The Parties request that the date be scheduled for or around March of 2023. Such a date allows time for the Parties to fully brief their positions on summary judgment and allows the Court time to conduct a review the same. The Parties lastly request that the Court schedule a status conference within two-weeks of the Parties' deadline to file their Joint Order to discuss any necessary modifications to the Proposed Schedule based upon the Court's schedule.

Very truly yours,

/s/ Cameron C. Downer

Cameron C. Downer

cc: Plaintiff's Counsel (via ECF)

x:\files\augusta sportswear brands\bossuk, richard\pleadings\letter with proposed schedule 9-1-22.docx

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	
RICHARD BOSSUK,	:	
	:	Case No. 1:21-cv-08273-DLC
Plaintiff,	:	
	:	
-against-	:	
	:	JOINT SCHEDULING ORDER
AUGUSTA SPORTSWEAR, INC., <i>et al.</i>	:	
	:	
Defendants.	:	
-----	X	

The Court, having ordered the Parties to jointly submit a proposed pretrial scheduling order, and the Parties having conferred regarding pretrial scheduling matters, it is hereby ORDERED that the following schedule shall govern the further conduct of pretrial proceedings in this case:

<u>Event</u>	<u>Date</u>
Fact discovery deadline	<i>Passed</i>
Initial expert reports due	<i>Passed</i>
Rebuttal expert reports due	<i>Passed</i>
Expert discovery deadline	<i>Passed</i>
Dispositive motion deadline	November 4, 2022
Opposition to dispositive motion	December 5, 2022
Reply to Opposition to dispositive motion	December 19, 2022

Dated: September __, 2022

DENISE COTE
United States District Judge